

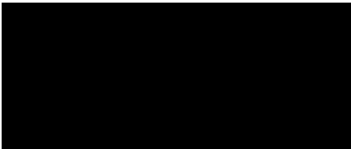


DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

VIA EMAIL AND FIRST-CLASS MAIL

February 4, 2019



RE: Amended Letter of Response for Grievance #2720 filed on January 8, 2019.

Dear [REDACTED]

In accordance with Chapter 24, Subtitle 5-B, Section 2405 of the District of Columbia Municipal Regulations (DCMR), this letter serves as the DC Public Schools (DCPS) written response to concerns you brought to the attention of the DCPS Comprehensive Alternative Resolution and Equity (CARE) team. On [REDACTED] you received a letter of response (LOR) for the above grievance. This amendment results from additional findings of fact identified and incorporated after the [REDACTED] LOR.

Grievance Issue(s).

Based on a review of the information provided, your written grievance raised the following issues under the jurisdiction of this office:

You allege that:

1. **5-B 2405.2(f) - Any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.**

You allege that Family Educational Rights and Privacy Act (FERPA) regulations, 34 CFR Section 99.30, were violated when the [REDACTED] registrar included [REDACTED] personally identifiable information in an email to the [REDACTED] registrar, and that [REDACTED] FERPA rights were also violated when a person purportedly speaking on behalf of the coaching staff told you that your son was still enrolled at [REDACTED].

You allege that [REDACTED] attendance record is being inaccurately documented as absent-excused [REDACTED] instead of medical "M" as reflected by the DCPS report card key.

You allege that [REDACTED] progress report grades reflect a grade of "F" instead of "M".

2. **5-B 2405.2(e) – Where a student is a victim of bullying or harassment.**

You allege the [REDACTED] Principal has harassed you.

3. **5-B2405.9 No grievant shall be subject to any retaliation from any teacher or school official.**

You allege the [REDACTED] Principal has retaliated against you for filing complaints against [REDACTED]

Investigative Procedure

The investigation included interviews/consultation with the following individuals:

1. [REDACTED] 11th Grade Counselor, [REDACTED]
2. [REDACTED] Principal, [REDACTED]
3. [REDACTED] Secondary Academic Scheduling and Support
4. [REDACTED] Social Emotional Learning

The investigation also included review of the following documents which were either submitted by the complainant, submitted by the school, or accessible via DCPS data systems:

1. Initial Grievance submitted by parent via email with supplemental documentation
2. DCPS Grading policy
3. DCPS Attendance Policy
4. FERPA
5. Email correspondence between [REDACTED] Registrar and [REDACTED] Registrar
6. [REDACTED] Statistics webpage detailing student athlete game performance

General Findings of Fact

The following findings of fact resulted from the investigation:

1. On [REDACTED] you took [REDACTED] to the doctor and he received a written excuse from the doctor, stating he is under the care of the physician and will be absent indefinitely until his evaluation and treatment plan is in place. This note was emailed by you to attendance counselor, [REDACTED] the same day.
2. On [REDACTED] you emailed 11th Grade Assistant Principal, [REDACTED] requesting [REDACTED] attendance be documented with an "M" for medical.

3. On [REDACTED] at the request of [REDACTED] Registrar at [REDACTED] emailed [REDACTED] Registrar at [REDACTED]. The email contained personally identifiable information for [REDACTED] and requested confirmation of his enrollment as a student at [REDACTED].
4. On [REDACTED] Registrar at [REDACTED] responded to [REDACTED] email confirming that [REDACTED] had been enrolled as a student at [REDACTED] as of [REDACTED].

Additional Findings of Fact

5. [REDACTED] is listed on the [REDACTED] website varsity basketball team roster as of the date of this letter.
6. According to [REDACTED] is identified as having played in a basketball game on the varsity [REDACTED] Team against [REDACTED] where he scored five (5) points.
7. According to [REDACTED] is identified as having played in a basketball game on the varsity [REDACTED] Team against [REDACTED] where he scored four (4) points.

Discussion/Conclusion

1. DCPS finds that 5-B 2405.2(f) is not substantiated. FERPA 34 CFR Section 99.31 outlines the conditions where prior consent is not required to disclose personally identifiable student information. 34 CFR Section 99.31(a)(2) provides, "The disclosure is, subject to the requirements of Section 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer. [REDACTED] email inquiry to [REDACTED] regarding [REDACTED] enrollment status did not require prior parental consent as it was related to the status of [REDACTED] enrollment.
2. 34 CFR Section 99.31(a)(8) provides that written consent is not required before sharing education records information where "[t]he disclosure is to parents, as defined in Section 99.3, of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986." While it is unclear who the person was that "reached out to you on the behalf of the coaching staff," disclosure to you as a qualified parent of the student is not considered a FERPA violation.
3. Regarding the allegation that [REDACTED] attendance and progress report grades were inaccurate, a doctor's note was provided to [REDACTED] on [REDACTED] via email, stating that [REDACTED] was under the care of the physician and would be out indefinitely until his evaluation and treatment plan is in place. It is reasonable that [REDACTED] would have documented [REDACTED] attendance record as absent-excused [REDACTED] given the information provided at that time.

As of [REDACTED] enrollment and attendance at the [REDACTED] has been verified. Therefore, [REDACTED] must update [REDACTED] record accordingly to ensure accuracy.

██████████ is required to take the following actions by the due dates established below:

1. By ██████████ Counselor shall adjust ██████████ attendance and grades to reflect his current enrollment status as withdrawn.
2. By ██████████ will add withdrawal procedures to its website.
3. By ██████████ will add a link to the United States Department of Education's FERPA guidelines.

DCPS Central Office is required to take the following actions by the due dates established below:

1. By ██████████ an electronic copy of the current DCPS attendance and grading policy will be sent to the ██████████ Counseling Department.
2. By ██████████ the Secondary Academic Scheduling and Support teams will conduct targeted professional development on grading and attendance compliance with the ██████████ attendance counselor, gradebook manager and guidance counseling department.
3. The allegation of harassment and retaliation by the principal will be referred to the DCPS Labor Management and Employee Relations team for review.

As the complainant, if you are not satisfied with the outcome, you have the right to file an appeal. Appeals must be submitted in writing and received within 10 calendar days of receipt of this notice. Please submit appeal requests to the Office of Integrity via U.S. Postal Mail to 1200 First St., NE, 11th Floor; Attn: Chief Integrity Officer or via email at dcps.cio@dc.gov. You may also contact the U.S. Department of Education, Office for Civil Rights (1-800-421-3481) to report any educational discrimination.

If you have further questions, please do not hesitate to contact us at dcps.care@dc.gov or [202.442.5405](tel:202.442.5405).

Sincerely,



Anitra Allen- King
Director, CARE

cc: Principal
Instructional Superintendent